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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,375	02/25/2002	James Cannon Bible	018279.046956	4567
23828	7590	09/25/2003		
JAMES C. EAVES JR. GREENEBAUM DOLL & MCDONALD PLLC 3300 NATIONAL CITY TOWER 101 SOUTH FIFTH STREET LOUISVILLE, KY 40202			EXAMINER TSOY, ELENA	
			ART UNIT 1762	PAPER NUMBER

DATE MAILED: 09/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/082,375	Applicant(s) BIBLE ET AL.
	Examiner Elena Tsoy	Art Unit 1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 25 August 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-9 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-9 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

Response to Office Action

Response to Office Action filed on August 25, 2003 has been entered. Applicant's reselection of claims 1-9 has been acknowledged. Claims 10-25 have been cancelled. Claims 1-9 are pending in the application.

Drawings

1. Corrected drawings has been received and entered. Objection to the drawings has been withdrawn.

Specification

2. Objection to the disclosure because of the informalities has been withdrawn.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 2, 4, 8, 9** stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ostrowski (US 3,965,551) in view of Maddox et al (US 6,306,468) for the reasons of record as set forth in Paragraph No. 4 of the Office Action mailed on May, 2003 (Paper No. 7).

5. **Claims 3, 5-7** stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ostrowski (US 3,965,551) in view of Maddox et al (US 6,306,468), as applied above, and further in view of Asai et al (US 6,103,317) for the reasons of record as set forth in Paragraph No. 5 of the Office Action mailed on May, 2003 (Paper No. 7).

Response to Arguments

6. Applicants' arguments filed January 6, 2003 have been fully considered but they are not persuasive.

Applicants argue that Ostrowski cannot be combined with Maddox et al because Ostrowski does not suggest an electron beam curable and Maddox et al do not suggest applying an electron beam curable material to a portion of material under tension.

The Examiner respectfully disagrees with this argument. Ostrowski teaches "The control of the drive motor 50 in a manner to maintain a predetermined amount of tension in the tubing assures the precise spatial positioning of the tubing at every location along its length from the straightening rolls 24 to the take-off assist device 44, and it is this precision of positioning that allows consistent uniformity to be achieved in the thickness of the coating being applied.

Regardless of the coating system used, but particularly when spray nozzles are employed, precise spatial positioning of the longitudinally moving tubing relative to the spray heads is very important". Ostrowski also teaches that either a **liquid** coating material (e.g. organic or water based) or **powder** coating material can be applied to tubing under tension. In other words, in a process of Ostrowski, tension is applied to tubing for precise positioning of the tube to achieve **consistent uniformity in the thickness** of the coating, not because of specific nature of coating material. Therefore, any coating material may be applied to tubing. Since Maddox et al teach that the use of electron beam equipment and modified acrylic unsaturated coating compositions for free radical curing will reduce energy consumption for coating the exterior surface of tubing and the faster rate of polymerization of this coating composition allows for the replacement of a

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conventional oven or induction heater unit with an electron beam unit requiring much less floor space and generating much less heat (See Abstract), there is a strong motivation of modifying Ostrowski with Maddox et al, and there is also a reasonable expectation of success of doing so because Ostrowski teach that any coating system can be used for coating tubing under tension.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elena Tsoy whose telephone number is (703) 605-1171. The examiner can normally be reached on Mo-Thur. 9:00-7:30, Mo-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive Beck can be reached on (703) 308-2333. The fax phone numbers for the

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organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

ET

Elena Tsoy
Examiner
Art Unit 1762

September 22, 2003

**MICHAEL BARR
PRIMARY EXAMINER**

MB